

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY

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DEPUTY DIRECTOR

October 4, 1999

Candace Tempesta
Contract Specialist
Department of Housing and Community Development
One Congress Street
Boston, MA 02114

Re: Prevailing Wage Applicability: Modular Work Stations

Dear Ms. Tempesta:

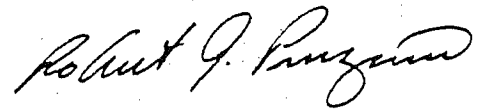
This letter responds to your request for a determination of whether the Massachusetts prevailing wage law, M.G.L. ch. 149, sec. 26 through 27D, applies to the installation of modular work stations.

By their nature, modular work stations are akin to furniture, and designed to provide flexible interior office space. They are not part of the buildings that house them. As such, the installation, repair or disassembly of modular work stations cannot be considered a construction project, which is defined in M.G.L. ch. 149, sec. 27D as "additions to and alterations of public works", for purposes of sections 26 through 27D of the prevailing wage law.

Any alterations to public buildings in connection with the installation, repair, or disassembly of modular work stations would, however, require the payment of prevailing wage rates to all employees engaged in such work. Furthermore, the moving of modular work stations into or out of a building, or within a building, by the Commonwealth, or a county, city, town or district through a contract with a moving company would require the payment of the prevailing wage rates to all employees of the contractor engaged in such work, pursuant to Mass. Gen. L. ch. 149, sec. 27G.

If you have any further questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Robert J. Prezioso". The signature is written in dark ink and is positioned above the printed name and title.

Robert J. Prezioso
Deputy Director
Division of Occupational Safety